

ITEM NO.60

COURT NO.5

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.12480/2026

[Arising out of impugned final judgment and order dated 18-12-2025 in WPC No. 3401/2022 passed by the High Court of Delhi at New Delhi]

JANE KAUSHIK

Petitioner(s)

VERSUS

LIEUTENANT GOVERNOR, NCT OF DELHI & ORS.

Respondent(s)

(FOR ADMISSION)

(IA No. 103177/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

Diary No.53380/2026 (XIV)

(IA No. 294115/2026 - CONDONATION OF DELAY IN FILING SLP, IA No. 294118/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 294119/2026 - EXEMPTION FROM FILING O.T. AND IA No. 300532/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 16-10-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Naman Jain, Adv.
Mr. Wajeesh Shafiq- 1957, AOR
Ms. Shagufta Ansari, Adv.
Mr. Manish Tiwari, Adv.

Ms. Amritananda Chakravorty, Adv.
Ms. Shreya Munoth- 3434, AOR
Ms. Asawari Sodhi, Adv.
Ms. Tavleen Kaur Saluja, Adv.

For Respondent(s) :

Mr. Tushar Mehta, Solicitor General
Ms. Swati Ghildiyal- 3169, AOR
Ms. Swati Ghildiyal, AOR
Mr. Adarsh Dubey, Adv.
Ms. Sonakshi Sinha, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Diary No.53380/2026:-

1. Delay condoned.
2. Issue Notice, returnable on 19.11.2026
3. Ms. Swati Ghildiyal, the learned Advocate-on-Record, who is on caveat, accepts and waives formal notice for and on behalf of the Respondent Nos.2 and 3 respectively. Hence, formal notice to the said Respondents is dispensed with.
4. Let notice be issued to the remaining Respondents.
5. Dasti service, in addition, is permitted.
6. Liberty is granted to serve the Standing Counsel for the Union of India.
7. The issue before us pertains to the non-inclusion of third gender in the notifications for vacancies issued by the respondent State. In order to address the issue at hand, it is necessary to make the following inquiries:-

QUESTIONS TO BE ADDRESSED:-

- I. Which Recruitment Rules govern the vacancy notifications, such as the one annexed as Annexure P-7 in the petition by *Jane Kaushik*, issued by the Delhi Subordinate Services Selection Board, Government of NCT of Delhi (for short, "DSSSB")?
 - a. Whether the said Recruitment Rules are traceable to any constitutional provision, or statutory enactment, or State Service Rules. In other words, where does the DSSSB derive powers to issue the notifications of vacancies in respect of teaching roles for specific subjects?

II. Whether the aforesaid Recruitment rules, or statutory enactment, or State Service Rules require that vacancies in respect of teaching roles be notified on the basis of gender?

III. If the answer to the above question is in negative, then, what forms the basis for bifurcation of vacancies between male and female candidates in a vacancy notification issued by the DSSSB? In other words, what is the objective behind notifying vacancies separately for males and females?

IV. If the answer to Q.2 is in affirmative, then, what forms the basis for using gender as a basis for notifying vacancies in public recruitment?

V. In both the petitions, do the respondents propose to include third gender in vacancy notifications issued by them through DSSSB? In other words, in what manner transgender persons would be accommodated in public employment?

VI. In the petition by *Praveen Singh*, insofar as the question of age relaxation is concerned, why the High Court did not deem it fit to exercise its power under Rule 12 of the Delhi High Court Establishment (Appointment and Conditions of Service) Rules, 1972, to provide age relaxation to transgender persons considering the socio-economic discrimination that they face?

8. The respondents shall file their response by way of an affidavit within a period of 15 days from the date of this order. The same shall be shared with the petitioner for them to also file their response before the next date of hearing. Insofar as the legal arguments are concerned, the parties are expected to be prepared on the next date.

9. List both the matters on 19-11-2026.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)